

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,075 of 26th November, 1998



I ASSENT,

RICHARD LUCE,

GOVERNOR.

26th November, 1998.



GIBRALTAR

No. 47 of 1998

AN ORDINANCE to amend the Medical (Group Practice Scheme)
Ordinance

ENACTED by the Legislature of Gibraltar.

Title

1. This Ordinance may be cited as the Medical (Group Practice Scheme)
Ordinance (Amendment) Ordinance 1998.

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Amendments to the Medical (Group Practice Scheme) Ordinance

2.(1) The Medical (Group Practice Scheme) Ordinance shall be amended in accordance with the provisions of this section.

(2) Prior to section 1 there shall be inserted the words -

**“PART I
PRELIMINARY”.**

(3) After section 2 there shall be inserted the words -

**“PART II
GROUP PRACTICE SCHEME: GENERAL PROVISIONS”.**

(4) After section 10 there shall be inserted the following Part -

**“PART III
THE SCHEME PHARMACISTS BOARD**

Administration.

Interpretation of Part

11. In this Part and unless the context otherwise provides -

“applicant” means a person who has applied to the board to become a Scheme Member and “application” shall be construed accordingly;

“Scheme Member” means a registered pharmacist whose name is included in the Scheme Pharmacist list;

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“Scheme Pharmacists List” means the list of applications granted by the board;

“Scheme Pharmacists Board” means the board established under section 12 below, and “the board” shall be construed accordingly;

“Minister” means the minister with responsibility for health;

“party” means a party to any proceedings;

“proceedings” means any proceedings before the board; and

“Secretary” means the Secretary to the board, appointed under section 13.

Appointment of board

12.(1) For the purpose of exercising such powers relating to -

- (a) applications;
- (b) the regulation of membership of the Scheme;
- (c) the general administration and regulation of the Scheme,

and other matters as are conferred on them by this Ordinance or any legislation subsidiary hereto, there shall be a Scheme Pharmacists Board.

(2) Members of the board shall be appointed by the Minister by notice in the Gazette and shall hold office for a period of one year or for such other period of time as is specified in the notice of appointment.

(3) A member of the board shall not continue in office after he attains the age of seventy years.

(4) The validity of any proceedings of the board shall not be affected by a defect in the appointment of any member, or by a failure to observe the requirements of the last preceding subsection.

Appointment of Secretary

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13.(1) A Secretary to the board shall be appointed by the Minister by notice in the Gazette and shall hold office for such period of time as shall be specified in the notice of appointment.

(2) A person appointed under the preceding subsection shall act under the direction of the members of the board.

(3) A Secretary shall not continue in office after he has attained the age of seventy years.

Personal interest

14. No member of the board shall act as such in relation to any matter in which he has a personal interest, or is interested on behalf of another person, except with the express consent of the parties to the proceedings.

Declaration

15.(1) Every person who is appointed to be a member of the board or a Secretary to the board shall make a declaration in the following form;

“I, [name] do solemnly declare that I will act impartially and to the best of my ability execute the duties of my office; and that I will not disclose any information received by me in the execution of those duties except for the purposes of those duties or as may be required by law.”.

(2) A declaration made under the preceding subsection by a member of the board shall be made before another member of the board, or before the Chief Secretary to the Government of Gibraltar.

(3) Every person who is appointed to be a Secretary shall make the declaration before a member of the board.

(4) A declaration under this section shall be made as soon as may be after the first appointment to the office in question.

Procedure

Quorum and procedure

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- 16.(1) The board may make rules regulating its own procedure.
- (2) A quorum for meetings of the board shall comprise of three members.
- (3) The members comprising a board shall decide which one of them shall preside at the hearing of proceedings before them.
- (4) Proceedings before any board may be continued by any one or more of the members of the board if all the parties give their consent.

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Power to request further particulars

17.(1) The board may at any time before the determination of any matter before it give notice to any applicant, requiring him within a time specified in the notice –

- (a) to deliver to it such particulars as it may reasonably require for the purposes of determining the application; and
- (b) to make available for inspection by it, all such books, records, accounts or other documents in his possession or power as may be specified or described in the notice, being books, records, accounts or other documents which, in the opinion of the board, contain or may contain information relating to the subject matter of the application.

(2) The board may, at all reasonable times, inspect and take copies of, or extracts from, any particulars delivered under sub-paragraph (1)(a) above, or other documents made available for his inspection under sub-paragraph (1)(b) above.

(3) The board shall not grant any application in circumstance where the applicant has failed to comply with a notice served under this section.

Power to summon witnesses

18.(1) The board may summon any person to appear before them and give evidence.

(2) The board may make such reasonable inferences as it sees fit, in respect of –

- (a) the neglect or refusal by a Scheme Member who, after being duly summoned, failed to appear before the board at the time and place appointed for that purpose; or
- (b) who appears, but refuses to be sworn; or
- (c) who refuses to answer without good cause questions concerning the matter under consideration.

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Miscellaneous

Irregularity

19. Any irregularity resulting from any failure to comply with any provision of this Part or with any direction given by the board before the board has reached its final determination shall not of itself render the proceedings void.

Form of Notices

20. Every notice required by this Part shall be in writing unless the members of the board authorise it to be given orally.

Service of notices etc.

21. Any notice or document required or authorised by this Part to be sent, delivered to or served on any person shall be duly sent, delivered or served by hand, by post or by facsimile transmission.

Regulations

22.(1) The Minister may make regulations prescribing anything that needs to be prescribed, and making such further provision as appears to him necessary or expedient for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations providing for -

- (a) applications to the board, and the criteria to be used by the board in granting applications;
- (b) the terms and conditions of membership of the Scheme by registered pharmacies;
- (c) penalties and sanctions for the breach of any term or condition of membership of the Scheme;
- (d) the products and equipment to be used by Scheme Members in the course of their duties under the Scheme;

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- (e) fees;
- (f) the pricing of medicinal products under the Scheme;
- (g) the financial and other duties of the board and of Scheme Members; and
- (h) generally, for regulating the good and efficient management of the Scheme.”.

Passed by the Gibraltar House of Assembly on the 13th day of November, 1998.

D J REYES,

Clerk to the Assembly.

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